



Austin City Council MINUTES For

MAY 19, 1983 -- 1:00 P.M.

Council Chambers, 301 West Second Street, Austin, Texas

City Council

**Ron Mullen
Mayor**

**John Treviño, Jr.
Mayor Pro Tem**

**Council Members
Mark Rose
Roger Duncan
Sally Shipman
Mark E. Spaeth
Charles E. Urdy**

**Nicholas M. Meiszer
City Manager**

**Elden Aldridge
Acting City Clerk**

Memorandum To:

Mayor Mullen called to order the Meeting of the Council scheduled for 1:00 p.m., noting the presence of all Councilmembers.

INVOCATION

The Invocation was given by Reuel G. Lemmons.

CONSENT RESOLUTIONS

The Council, on Councilmember Duncan's motion, Councilmember Shipman's second, approved the following resolutions in one consent motion: (5-0 Vote, Councilmember Urdy and Mayor Pro Tem Treviño were out of the room.)

License Agreement

Approved entering into a License Agreement to allow the encroachment of a portion of wood deck into a sanitary sewer easement on Lot 6, Block D, Herman Brown Addition #2, 3708 Meadowbank Drive. (Requested by Mr. Barry Gillingwater, owner)

Capital Improvements

Approved acquisition of a certain tract of land for the East Riverside Drive - Newning to I.H. 35 project. (Michael Adams and Kerry Manning) CAPITAL IMPROVEMENTS PROGRAM No. 73/62-03. (Address is 1000 East Riverside Drive.)

Change Orders

Approved the following change order: The amount of \$10,270.00 to CSC Construction Company for alterations to four fire stations (Nos. 9, 10, 11, & 12). (3.95% increase of the original contract) CAPITAL IMPROVEMENTS PROGRAM No. 79/83-02.

Contracts Approved

Approved the following contracts:

- | | |
|--|--|
| a. FAIRBAIRN ELECTRIC, INC.
1821 N. Port
Corpus Christi, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Transformer-Regulator Catch
Basin for Marshall Ford
Substation, Electric Utility
Department - \$10,600.00
C.I.P. No. 83/16-01 |
| b. U.S. STEEL - CYCLONE FENCE
P. O. Box 13650
San Antonio, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Hancock Drive Overpass
Pedestrian Protection, Public
Works Department - \$25,369.25
C.I.P. No. 83/61-80 |
| c. TEJAS ENGINEERING, INC.
P. O. Box 26948
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Fire Hydrant Installation,
Water and Wastewater Department
Total \$32,000.00 C.I.P. Nos.
83/22-10 & 82/22-99 |
| d. AUSTIN ENGINEERING COMPANY
6304 Bee Caves Road
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
Construction of 1,088 feet of
8-inch wastewater line and
appurtenances in West Cow Path
and Deer Track, Water and
Wastewater Department -
\$84,540.00 C.I.P. No. 83/23-06 |
| e. LEIF JOHNSON FORD, INC.
501 East Koenig Lane
Austin, Texas | - Light Duty Trucks, Vehicle
and Equipment Services
Department
Items LT-13.1, LT-16.1 -
\$69,159.00 |
| f. LEIF JOHNSON FORD TRUCK CITY
502 East Ben White Blvd.
Austin, Texas | - Truck Cabs and Chassis,
Vehicle and Equipment Services
Department
Items HT-4.1 - \$106,320.00 |

CONTRACTS - (Continued)

- g. Bid award:
- Subcontractors for components of the Austin-Travis County Homemaker/Home Health Aide Project, Austin-Travis County Health Department - \$147,104.00
 - (1) AUSTIN COMMUNITY COLLEGE
205 East 5th Street
Austin, Texas - Not to exceed \$22,560.00
 - (2) AUSTIN FAMILIES, INC.
300 East Huntland Drive, Suite 114
Austin, Texas - Not to exceed \$124,544.00

Wastewater Approach Main

Approved the following wastewater approach mains:

- a. EXECUTIVE CENTER - Wastewater approach main to serve Executive Center. (No City cost participation)
- b. JAY C. TAPP - Wastewater approach main to serve Austin Center Phase II-A, Lots 3 & 4. (No City cost participation)
- c. LINEAR PROPERTIES, INC. - Wastewater approach main to serve Hamilton Square
Estimated cost of 8" main is \$17,364.00. (No City cost participation)

Standard Rehabilitation Loans

Approved CDBG funds for Standard Rehabilitation Loans in the following amounts and authorized staff to enter into appropriate contracts (total amount \$101,076.00)

- a. Custom Construction - \$11,230
- b. James Chandler Contracting - \$8,200
- c. Texas Western Associates - \$18,092
- d. Texas Western Associates - \$18,000
- e. Texas Western Associates - \$14,300
- f. Custom Construction - \$11,234
- g. KM Construction - \$20,020

Summer Youth Employment Program

Authorized submission of a modification of the Comprehensive Employment and Training Plan incorporating increased Summer Youth Employment Program funding available from the U.S. Department of Labor during fiscal year 1983. (\$101,700 additional funds - increasing current amount from \$1,380,434 to new level of \$1,482,134)

Sale of City Owned Property

Approved disposal of City-owned property located at 1117½ Salina Street by sale award to Tommy L. Williams. (Estimated total revenue \$11,300.00)

Legislative Priorities

Approved positions on identified legislation as part of the Legislative Priorities of the City of Austin.

Public Hearings Set

Set public hearings on the following:

- a. Amend Chapter 13-2 (Zoning Ordinance) of the Austin City Code to prohibit colleges and universities in "LA", "SR", "A" and "A-2" Residence Districts. Hearing set for June 16, 1983 at 2:00 p.m.
- b. Reset a public hearing on an appeal from Mr. H.B. Howard of the Planning Commission's decision granting a Special Permit for Case No. C14p-83-005 for June 2, 1983 at 2:00 p.m.

Capital Improvements Program

Acquired right-of-way and a Public Utility Easement for the Stassney Lane/I.H. 35 Interchange. (Oryx Development Corp.) CAPITAL IMPROVEMENTS PROGRAM No. 81/62-26.

CONSENT ORDINANCES

The Council, on Councilmember Duncan's motion, Councilmember Mullen's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Councilmember Urdy was out of the room.)

Sound Ordinance

Approved suspension of operation and effect of Ordinance No. 821028-H for a two-day period, May 20-21, 1983.

Zoning Ordinance

Amended Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following change: PASSED AS AN EMERGENCY

NASH PHILLIPS-COPUS
By M. Scott Roberts
C14-82-124

12005-12115 Dorsett Road
4400-4406 & 4401-4407
Limewood Court
12000-12008 & 12001-12009
Arrowwood Drive
4500-4508 & 4501-4507
Dorsett Oaks Circle
4502-4606 & 4503-4605
Brown Bark Place

From Interim "AA" 1st H&A
to "A" 1st H&A

Hearing Set

Council had before them for consideration an ordinance amending the Electrical Code to require all electrical installations in the City of Austin Underground Network Distribution Area to be wired in metal conduit pipe. (Action postponed from April 21, 1983 and May 5, 1983) They decided they would like another public hearing and set one for June 6, 1983 at 2:30 p.m. during the consent motion for ordinances.

COMPUTERIZED THERMAL ANALYSIS OF BUILDINGS

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving the selection of professional services of Solenco, Inc. for Computerized Thermal Analysis of Buildings - Energy Conservation in Residential Designs for the Energy Management Department. (6-0 Vote, Councilmember Urdy was out of the room.)

Prior to the vote Councilmember Duncan asked why there was only one person bidding. Jerry Lawson, Administrator, Conservation and Renewable Energy Resources, told Council the bids had been sent out but everyone but Solenco, Inc. had informed the City they were not able to do this kind of work.

PUBLIC HEARING SET - WATER & WASTEWATER RATE INCREASE

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Rose's second, adopted a resolution setting a public hearing for May 26, 1983 at 2:00 p.m. on the Water and Wastewater Rate Increase. (7-0 Vote)

Prior to the vote, Frank Rodriguez, Director of Budget and Management, referred to a report concerning rate increase request. CITY CLERK DID NOT RECEIVE COPY. "At last week's meeting, Council approved an emergency budget amendment in the amount of \$1.1-million for the Water and Wastewater Utility Department. The purpose of the funds was to initiate an aggressive preventive maintenance program

RATE INCREASE = (Continued)

in order to minimize poor plant performance due to excessive infiltration and inflow rates and avoid the problems that have been identified by the Texas Department of Water Resources at the City's wastewater plants. Funds for the \$1.1 million appropriation were transferred out of the Water and Wastewater ending balance for the year and approved by Council as an emergency measure with the understanding staff would return and present rate options to recover this amount. Staff reviewed options ... The ending balance for this year requires an additional \$1 to 2 million dollars to provide funds for an adequate working capital. At present our balance only provides for a less than prudent working capital amount that is balanced in our fund and is insufficient from the cash standpoint to meet our needs at this time. Another reason is that we would like to size the ending balance to mitigate against projected rate increases next year. This is to deal with several committed programs that have already been authorized from required funding, including the Oak Hill annexation, the successful passage of the 1982 bond program, the Onion Creek Treatment Plant expansion from 9 million to 18 million gallon per day capacity and other requirements on the system. We looked at various rate adjustment options and staff recommends a 10% rate adjustment. It would raise \$1.6 million in revenue. The impact to the average residential bill for the remainder of the fiscal year 1982-83 would be about \$5.00 on the average monthly residential bill for water and sewer. That translates to about \$1.65 per month for the remainder of the fiscal year. A water and wastewater increase is necessary to build the fund balance to meet current requirements."

THREE SUMMER COUNCIL MEETINGS CANCELLED

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Spaeth's second, waived the requirement for three readings and finally passed an ordinance cancelling certain regularly scheduled City Council Meetings on June 23, July 28 and August 18, 1983. (7-0 Vote)

SALE OF CERTIFICATE OF OBLIGATION BONDS

Council had before them an ordinance to consider approving the sale of \$30,000,000 Certificate of Obligation Bonds and all related documents.

Mr. Scheps, Budget Director, said the City of Austin needs to continue their obligation toward the South Texas Nuclear Project and the money we have for it will only last two more weeks. The sale of the CO bonds is a temporary measure and they are callable on 30 days notice. Mr. Scheps said it is appropriate for the City to do this and they will not be sold without the blessing of the Attorney General.

Councilmember Duncan asked about the legality. Mr. DeLaRosa, City Attorney, stated it is totally legal and valid and that there is a specific State law on this matter.

Joe Cook, a member of the Chamber audience, said he opposes the action because he thinks it will set a bad precedent for voters in the future. He told Council if they approve the measure there will be a lawsuit filed.

BONDS - (Continued)

Ray Cage said he questions the measure and that it would be contrary to the needs of the common people.

Harry Webster said the selling of CO bonds would be an irresponsible action. He contends the wording on the ballot in the January bond elections amounted to a biased inducement. He said the citizens of Austin should have their electric rates increased by 30% instead.

Mathew Sorensen said he opposes the certificates.

Neil Bishchoff told Council he is one of the contestants in the suit against the City concerning the bond election. He is against C.O.'s.

Ray Miranda said nuclear power is not to be feared and that we need power and the nuke will give it to us at a cheaper rate.

Lanny Sinkin said the City should cancel STNP.

Mayor Mullen commented, "I think we have to work under the assumption the court has upheld the election and continue working under that assumption until it changes. If the rules change, we are going to have to change what we do. Secondly the interest rate will be $7 \frac{3}{8}$ which would be absolutely wonderful interest rate I have not heard those interest rates in years. That will be good for the City not bad. The question of 30 year amortization is not answered. Mr. Schepps, why don't you answer that one." Mr. Schepps said the main thing is that what we intend to do is refund these and the 15% gives the City a very strong incentive for refund. We do not intend to make this long term borrowing. We can always refund these out of cash. The bond money will either come from the successful \$97,000,000 election once the court is through with it, or we can raise rates and raise the money in cash to buy back these C.O.'s. It is a temporary measure." Mayor Mullen continued, "We are not circumventing the voters. They are clear on their intentions." He said only a few citizens are going to court to try to stop the sale of the bonds. Mayor Mullen said the action taken today is carrying out the mandate of the people to pay the bills due. He said this is by far more desirable than raising the utility bills of the citizens of Austin by 30%.

Councilmember Duncan stated the previous election is moral justification for selling the CO bonds. This, he said, abides by the decision of the voters and pointed out only a few people are against the will of the voters. Councilmember Duncan further stated the feasibility of cancellation needs to be discussed but in the meantime the City must meet its obligations. Councilmember Spaeth said he concurs with Councilmember Duncan.

Councilmember Urdy stated the action Council is taking today is the lesser of two evils. The objectors, he said, have not given thought to the impact on the citizens of a big electric rate change. A 30% increase would cause a great deal of hardship. Councilmember Shipman also discussed the moral obligation of paying our bill. She said she hates CO's but can see no other choice.

BONDS - (Continued)

Motion

The Council, on Councilmember Duncan's motion, Councilmember Spaeth's second, waived the requirement for three readings and finally passed an ordinance approving the sale of \$30,000,000 Certificate of Obligation Bonds. (7-0 Vote)

Motion

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, adopted a resolution approving all related documents. (7-0 Vote)

(Hearing on Rate Increase Not Set)

There was an item on the agenda to set a public hearing on Electric Rate Increase. Mayor Mullen said the hearing is not necessary because the issuance of Certificate of Obligation bonds was passed.

(Ordinance Pulled)

An ordinance amending the 1982-83 Electric Capital Improvements Program and the 1982-83 Electric Utility Operating Budget by transferring \$6.7 million from the Electric Utility Ending Balance to the Electric CIP and appropriating that sum to the South Texas Nuclear Project to continue the City of Austin's progress payments thru the month of June, 1983 was pulled off the agenda.

CITY AUDIT/FINANCE COMMITTEE

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, approved the appointment of Councilmembers Rose and Duncan and Mayor Mullen to the City Audit/Finance Committee. (7-0 Vote)

SENIOR CITIZEN PROPERTY TAXES

The Council, on Councilmember Spaeth's motion, Councilmember Duncan's second, adopted a resolution supporting various state legislation which would place limitations upon property taxes for senior citizens and instructed the City's legislative liaison personnel to keep the Council informed on the status of current bills and those forthcoming during the next legislative session. (7-0 Vote)

This resolution was introduced to Council by Councilmember Spaeth.

ANNUAL BUDGET PERFORMANCE REPORT

Frank Rodriguez, Director of Budget and Management, presented a report on the Annual Budget Performance. REPORT IS ON FILE IN CITY CLERK'S OFFICE.

ANNEXATION PROGRAM

Councilmember Shipman requested a City Manager report on the Status of the 1983 Annexation Program.

Mr. Lillie, Director of Planning, referred Council to their memo with attached maps. COPY IS ON FILE IN CITY CLERK'S OFFICE. He said the previous Council accepted a five year annexation program with annual increments. The program included about 70 square miles of land to be annexed for limited and full purposes. During the budget session the Council did appropriate funds for staffing for the Planning Department. The staffing and budgeting to be available in January 1983. Staffing was completed by the end of January and a program for the 1983 year of annexation began. The first year includes about 6½ square miles of land for annexation. The Planning Commission recommended to Council the adding of another square mile in the Jollyville Road area and there are 13 private requests by subdividers which are another square mile for consideration. This total 8½ square miles. The studies are basically complete. We have just a bit of work to do on Management and Budget service plans and fiscal notes. "Let me give you the schedule I see in these items reaching you. The limited purpose annexations along Loop 360 on 183 and an area on north IH 35 are on the Planning Commission agenda for May 24th. They should be on the Council agenda the first or second week of June to set a public hearing. You should be able to set public hearings on the limited purpose annexation items by July. The next series of annexation will be those areas which are already receiving services...subdivisions which are outside the City limits and receiving services by the City. There is not a need to go into detailed service plans and fiscal notes on those. They should be before you by July also. The last series of items which are completing service plans and fiscal notes probably will be before you by the end of the summer, sometime in August. That series of annexation items plus the Jollyville Road area of about 700 acres and the 13 private requests, you should be able to complete by the end of the summer. That includes the Planning Commission's receipt of & consideration and recommendations and your receipt of and consideration of service plans and fiscal notes, the scheduling of public hearings and the accomplishment of public hearings by the end of the summer." Councilmember Shipman asked if the deletion of three meetings in the summer will jeopardize the moving through of the annexations. Mr. Lillie said no. Councilmember Shipman said these annexations should be completed before Thanksgiving so they can be on the tax rolls. She suggested that when information is obtained from Water and Wastewater Department that some parts do not have water and wastewater, they should be deleted. Councilmember Shipman requested monthly reports on annexation. Mr. Lillie told her that is the way they intend to proceed. Mr. Lillie reminded Council that annexation has been slow due to so many referendums and elections. He said annexation cannot be done within 90 days of a referendum or election, according to law. Mr. Lillie then answered Mayor Mullen's questions about annexation of Anderson Mill. If Anderson Mill wants to form its own City they must first petition the City Council to release them and the Council has 6 months to respond to the request.

DISCHARGE PERMIT REQUIREMENTS

The City Manager Report on Financial Impact of Meeting Discharge Permit Requirements was covered during discussion of setting a public hearing on water and wastewater rates.

RECESS

Council recessed its meeting at 2:35 p.m. and resumed its recessed meeting at 3:00 p.m.

HEARING POSTPONED

Mayor Mullen announced that the public hearing scheduled for 3:00 p.m. to consider vacating a portion of East 5th Street Alley Block 500 will be postponed until May 26, 1983 at 3:00 p.m. because the hearing had not been properly posted.

RECESS

Council recessed its meeting at 3:05 p.m. and resumed its recessed meeting at 4:08 p.m.

DISCUSSION OF CITY OF AUSTIN POLICE
DEPARTMENT

Ms. Margaret J. Gomez who had requested to discuss the City of Austin Department Head, did not appear.

Mr. Gustavo L. Garcia, who requested to discuss the Police Department, read the following statement which he said was a consensus statement issued by the Ad Hoc Committee on police-community relations:

Following the Austin march of the Ku Klux Klan earlier this year, we have experienced a series of events that once again has placed the Mexican-American Community in an adversary position with the Austin Police Department. What is perhaps more serious is that certain public statements made by our Chief of Police have significantly damaged the relationship between the Mexican-American community and the Austin Police Department.

Let me first attempt to add historical perspective to the situation. The KKK is an organization with a proven record of offensive acts against minorities in this country. Our history books are replete with accounts of

DISCUSSION - (Continued)

acts of intimidation committed by the Klan against the blacks and other minorities in the United States. As recently as the civil rights days of the sixties, seventies and the Klan activities of 1983, this organized group of white supremacists have committed acts such as fire bombings of black churches and destroying the Mexican flag publicly, acts that are aimed at intimidating minority social advancement activities in this country.

This terrorist group has historically played one of the most significant roles in the process aimed at intimidating and demoralizing civil rights efforts of minorities. It, therefore, should not surprise anyone if minority groups overreact at the mere sight of the Klan.

In this day and time when the balance of political power seems to hang on delicate and fragile coalitions, it is obvious to most that extremist groups, such as the Klan, breed among those people who feel strongly that what this country needs most is to teach the minorities a lesson on how to behave submissively. Additionally, and even though we do not like to say or think this, many of us sense that some segments of the population, quietly and in a well-camouflaged manner, strongly support the Klan and cheer when the Klan experiences any degree of success.

We, therefore, were not surprised that those organization with demonstrated records of political activity, would react strongly against the Klan march, not because they are "hoodlums" but because, once again, the presence of the Klan brings memories of white supremacy intimidation tactics that have had such a detrimental effect on the social advancement efforts of disadvantaged groups.

We were surprised, though, when our own Chief of Police, with obvious disregard for historical significance, arrives at an immature and shallow conclusion that the

DISCUSSION - (Continued)

problem with the violence connected with the Klan march was that those who demonstrated violently against the Klan were "nothing but a bunch of hoodlums".

But that was not enough. The chief proceeded to take his case to a prominent civic club in Austin, where he once again reiterated his famous "hoodlum" quotes and went even further by stating that the reason that the disrupters of the march behaved the way they did was because they were pampered by this community.

To drive his point home the Chief told the club about an incident in which a member of such group, who when faced with a charge before the municipal court, filled the court room with his friends who proceeded to chant in unison "Kill Dyson, Kill Dyson." The Chief proceeded to raise his voice in righteous indignation saying "and the judge would not even hold them in contempt." His tactics worked on the audience. One indignant member of the club, fired back "and who was the judge?" Playing the part of a wronged public hero, the chief replied, "I am not sure but I think it was Garcia" (referring to Municipal Court Judge Alberto Garcia).

Further investigation of the incident revealed that the magistrate in charge was not Judge Alberto Garcia, but rather another judge.

We consider this kind of callous behavior on the part of the Chief of Police as being aimed at discrediting the Mexican-American Community and painting us as irresponsible individuals who disregard the law. We believe that the Chief's actions are totally unacceptable and we believe further that the Council and/or the City Manager should impose appropriate disciplinary action.

In expressing our strong feelings on this matter we do so not because we necessarily agree with the social and political goals of any activist organization or because we discount the pressures brought upon the Police Department by the Klan march and the events related thereto.

DISCUSSION - (Continued)

We do so because we believe that the Chief of Police stepped out of line of his professional duties and responsibilities and of the appropriate code of conduct for professionals in his position. We do so also because we firmly believe that statements of that kind serve to provide adequate license to those police officers who have a manifested record of offensive behavior against minorities, to continue their arrogant and offensive conduct as they discharge their responsibilities.

We will watch closely the events of the days, weeks and months to come, with the hopeful expectation that clear and forceful policy of this Council addresses the code of conduct of public servants in high administrative positions and insures that such officials maintain objectivity and observe the highest professional standards in discharging the responsibilities that they assumed.

All the organizations that are part of the Ad Hoc Committee stand ready to assist the Council and the City Manager on any initiatives aimed at improving the relationship between the Austin Police Department and the Mexican-American Community.

MEMBERS OF THE AD HOC COMMITTEE ON POLICE-COMMUNITY RELATIONS

AMERICAN G. I. FORUM - LOCAL CHAPTERS

IMAGE - LOCAL CHAPTER

LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC) - LOCAL COUNCILS

MEXICAN-AMERICAN BUSINESS AND PROFESSIONAL WOMEN - AUSTIN

MEXICAN-AMERICAN CHAMBER OF COMMERCE OF TRAVIS COUNTY

MEXICAN-AMERICAN DEMOCRATS - AUSTIN CHAPTER

DISCUSSION - (Continued)

Mr. Orlando S. Mata, who had requested to discuss the Police Department was not present.

Ms. Maria F. Rocha, who appeared before Council to discuss Police community relations, told Council that Chief Dyson's attitude will reflect to the Police Force if he decides one group is hoodlums and one group is responsible. She said all groups are respectable.

Ms. Brenda Lee Huerta, president of LULAC Council 4315, said she supports the ad hoc statement.

Mr. Gabriel Gutierrez Jr., who had requested to speak, did not appear.

Sam Guzman, local American GI Forum, told Council he wants them to make sure Chief Dyson's statements are not made again in the future.

John Moore, speaking as an individual, said there has been some progress with the Police/community relations over the years but feels there are still some serious deep rooted prejudices because the Police/community relationship is still fragile.

Mr. Meiszer, City Manager, told the speakers he is in sympathy with their views. He said Chief Dyson's remarks concerning hoodlums were intended to apply to a small group and not all Mexican-Americans or all brown berets. Mr. Meiszer said the Chief did mention the John Brown Anti-Klan group as well. Mr. Meiszer said he apologises and such remarks will not be tolerated in the future. He gave his word for the entire department. Mr. Meiszer said he is meeting with Chief Dyson regularly as well as other administrative officers. He said he will not take any retroactive action against the Chief and he will have Chief Dyson make a statement concerning his remarks.

Mayor Mullen believes there should be a code of conduct for all areas of the City. Councilmembers Urdy and Duncan want a review of the Police/Community Relations Board

ZONING OF PROPERTY DISCUSSED

Mr. Lawrence H. Kriegel appeared before Council to discuss zoning of property located at 2902 Pearl Street. He said the property belongs to his father-in-law and it was included in a roll back without his father-in-law's consent. Mr. Kriegel said the property has been zoned residential and there is no way it can be used as residential. He requests it be zoned "BB".

Jonathan Davis, Assistant City Attorney, stated the property has been zoned by ordinance and there is no way to roll it back to "BB" unless Council passes another ordinance.

Councilmember Shipman said Mr. Kriegel should contact his neighborhood association because it would be appropriate for him to go from "A" to "BB". Mr. Kriegel told her the Heritage Neighborhood Association has a closed mind and said they will oppose any zoning that is not residential.

DISCUSSION - (Continued)

After some questions concerning proper notification, etc., Mr. Lillie said he will review the case and bring the information to the May 26, 1983 Council Meeting.

Mayor Mullen said the discussion will be continued on May 26, 1983 at 2:15 p.m.

ADJOURNMENT

Council adjourned its meeting at 4:45 p.m.